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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,082	09/10/2003	Joel Bartholf	3SI-138US	2732

31344 7590 10/19/2005

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WILMINGTON, DE 19899

EXAMINER
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HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/659,082

**Applicant(s)**

BARTHOLF ET AL.

**Examiner**

Louis K. Huynh

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group II, claims 18-31 and 33, in the reply filed on 07/21/2005 is acknowledged. The traversal is on the ground(s) that independent claims 1 and 18 require identical claimed features of the enclosure. This is not found persuasive because the process can be practiced with another materially different product such as a standard envelope. Furthermore, the product as claimed can be used in a materially different process of using the product; for example, the product can be use as a note for receiving writing images.
2. The requirement is still deemed proper and is therefore made FINAL.
3. As a result, claims 1-17 and 32 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Specification***

4. The disclosure is objected to because of the following informalities:  
  
"that" on line 12 of page 2 should be changed to: --than--.  
  
Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 27-30 and 33 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility and violates public interest in this and other countries, and if patented, hazardous articles would be freely shipped to and from this country un-regulated.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18, line 6: "the top end" lacks proper antecedent basis. It is unclear as to which end, if any, is considered to be the top end.

Claim 21, lines 2-3: "the stop of activating the adhesive" is not understood.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 18-20, 22 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Public Use.

With respect to Claims 18 and 33, it is known to insert a letter into a standard envelope, seal the envelope and mail the envelope with the letter contained in the envelope. The letter is normally a piece of paper and is capable of releasing gas and particulates (smoke and ashes) when burn; and the standard envelope is normally made from paper which is capable of allowing gas to escape while retaining particulates within the envelope.

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With respect to Claims 19, 20 and 22, sealing a standard envelope having a front face, a back face, a flap extending from the front face and at least one adhesive area provided on the flap normally includes activating the adhesive area provided on the flap and folding the flap toward the back face.

10. Claims 18-20, 22 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by USPS (Notice 71, United States Postal Service).

With respect to Claims 18 and 33, USPS discloses a well-known method of mailing bombs wherein a bomb is placed in a standard envelope which is then sealed and mailed; wherein the standard envelope is normally made from paper which is capable of allowing gas to escape while retaining particulates within the envelope.

With respect to Claims 19, 20 and 22, sealing a standard envelope having a front face, a back face, a flap extending from the front face and at least one adhesive area provided on the flap normally includes activating the adhesive area provided on the flap and folding the flap toward the back face.

11. Claims 18-20, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson et al. (US 5,524,802).

Benson discloses a method for containing an article (14) in a container (pouch 12) including the steps of: providing a pouch (12) having a front wall (34), a back wall (36), a flap (42) with an adhesive strip (46) disposed thereon; inserting an article (14) between the front wall and the back wall; and folding the flap to seal the pouch (col. 3, lines 34-44); wherein the back

wall (36) is preferably formed from light weight material such as SMS (spun bond/melt blown/sun bond) (col. 3, lines 18-24). Note that the article (14) is capable of releasing gas and particulates (smoke and ashes) when burn, and the pouch (12) is capable of allowing gas to escape while retaining particulates within the pouch.

12. Claims 18, 27-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by AAPA (Applicant Admitted Prior Art) and by 49 CFR 173.

AAPA discloses a method of transporting hazardous material in compliance with 49 CFR 173 in the Background of the Invention. The specific method of transporting hazardous material including pyrotechnic actuator, currency anti-theft device, tear gas, Mace, Pepper Spray, etc. in accordance to 49 CFR 173 anticipates the broad claimed method of the present invention.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Public Use in view of Greer et al. (US 6,032,854).

The known method of mailing letter meets all of applicants claimed subject matter except for the step of removing a removable covering over the adhesive since standard envelope does not inherently include such feature. However, envelope that is provided with removable covering over adhesive area, such as one disclosed in the Greer reference, has become known to

the public and is widely used in office environment for its convenient feature such as quick sealing and without moistening the adhesive before sealing. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the known method of mailing letter by having provided an envelope with a removable covering over the adhesive area, such as one disclosed by Greer, in order to quickly seal the envelope without moistening the adhesive.

15. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Public Use.

The known method of mailing letter meets all of applicants claimed subject matter except for the step of folding over the top portion of the closed envelope one or more times before fastening the folded top portion. However, it is known that small articles are commonly mailed in a large envelope and the top portion of the envelope is folded several times before sealing, such as by stapling or taping, so that the small articles are prevented from moving within the envelope and cannot easily escape from the envelope. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the known method of mailing letter by having folded the envelope several times before sealing the envelope when mailing small articles, as known by the public, in order to prevent movement of the small articles and to prevent the articles from falling out of the envelope during transport.

#### *Conclusion*

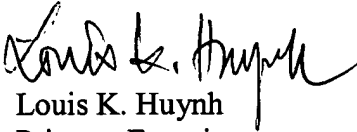
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Louis K. Huynh  
Primary Examiner  
Art Unit 3721

October 17, 2005